IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6317 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NR PARDESHI

Versus

COMMISSIONER ADIJATI VIKAS

Appearance:

MR IS SUPEHIA for Petitioner

Mr.Digant P. Joshi, AGP for Respondent No. 1

M/s Patel Advocates for Respondent No. 2, 3

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 24/03/2000

ORAL JUDGEMENT :

Rule. Mr.Digant P. Joshi, AGP for Messrs Patel Advocates waives service of rule. With the consent of the parties, the matter is taken up for final disposal. It is the case of the petitioner that a caste certificate

was issued by the Social Welfare Officer in the year 1976 saying that the petitioner belongs to Scheduled Tribe and that particular certificate came to be cancelled by respondent no.1, the Commissioner, Adijati Vikas, by an order dated 3.8.1999. The petitioner has challenged the order dated 3.8.1999, Annexure 'G' and also prayed that the said order may not be acted upon and the benefits, if any, obtained by the petitioner should not be withdrawn by respondents nos.2 and 3 herein without giving an opportunity of hearing to the petitioner.

2. At this stage, Mr.Supehia is restricting his prayer to prayer clause 24(B). His request is that respondents nos.2 and 3 be directed not to act upon the order dated 3.8.1999, without hearing the petitioner. Messrs Patel Advocates for respondents nos.2 and 3 cannot have any objection to this prayer being granted inasmuch as it does not affect their right to withdraw the benefits, if any, obtained by the petitioner after granting an opportunity of hearing to the petitioner and after taking into consideration the submissions made by him.

3. In the light of this limited prayer, the petition is partly allowed with the direction that respondents nos.2 and 3 shall grant an opportunity of hearing to the petitioner before passing any order of withdrawal of any benefits which are obtained by the petitioner on the basis of caste certificate dated 7.4.1976. The petition is allowed accordingly. Rule is made absolute to the aforesaid extent. No order as to costs.

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